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Palmer Celebrates Centennial

Wall of Pioneers

Keating's B.J. of Davenport

Did D.D. Palmer visit A.T. Still in Kirksville?

Ohio Legal Entanglement: A.W. Lensgraf, D.C.: 1927-1935



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CONTENTS

<i>Notes From The Editor</i>	3
<i>Letters To The Editor</i>	5
<i>Palmer College 'Wall Of Pioneers' A Centennial Tribute To Graduates</i>	7
<i>Russell W. Gibbons, B.A., F.I.C.A., D.C., (hc), Litt.D (hc)</i>	
<i>Guest Commentary: Perspectives in Chiropractic History</i>	8
<i>Stanley P. Bolton D.C., Ph.C., F.I.C.C., F.P.A.C.</i>	
<i>Instructions For Authors</i>	12
<i>Dr. Egon Leffman: A Fine Teacher and a Charming Man ...</i>	13
<i>William S. Rehm, D.C.</i>	
<i>Book and Video Reviews</i>	14
<i>Guest Editorial: Founder's Birthplace?</i>	20
<i>Russell W. Gibbons, B.A., F.I.C.A., D.C., (hc), Litt.D (hc)</i>	
<i>Funerals and the Chiropractic Family</i>	22
<i>Association Publishes First Book</i>	26
<i>The Early Years of Chiropractic in California: The People Versus C.D. Greenall</i>	29
<i>Brian A. Smith, D.C.</i>	
<i>Arthur Emanuel Lundh, Norway's First Chiropractor - The Years Between The Wars</i>	37
<i>Kyrre Myhrvold, D.C.</i>	
<i>Did D.D. Palmer Visit A.T. Still in Kirksville?</i>	49
<i>John F. Hart, D.C.</i>	
<i>Early Canadian Chiropractic Colleges</i>	57
<i>Herbert J. Vear, D.C.</i>	
<i>Herbert K. Lee, D.C.</i>	
<i>Joseph C. Keating, Jr., Ph.D.</i>	
<i>Ohio Legal Entanglement: A.W. Lensgraf, D.C.: 1927-1935 ...</i>	69
<i>Arthur G. Lensgraf D.C.</i>	

The Early Years of Chiropractic in California: The People Versus C.D. Greenall

BRIAN A. SMITH, D.C.*

During the dawning years of the chiropractic profession, many of our brethren ventured forth to the fertile land of California to establish thriving practices and schools. These early pioneers practiced outside the laws of California, and many became subject to persecution by the authorities. With these persecutions came counter-attacks which shaped the future battles to be waged. Some of these counter-attacks were successful; most were not. These early laws and challenges influence our practice rights through the present and will continue to do so. C.D. Greenall, D.C., stood up to the medical authorities and won his case at the California Supreme Court fifteen years before the California electorate approved the Chiropractic Initiative Act in 1922.

LICENSURE

At the turn of the century, Los Angeles was still a frontier town. Practitioners of all sorts called L.A. home. During the 1870s, around the country, states enacted new licensing laws, replacing the void that existed since the 1830s and 40s. From this early point, the goal was to allow the power to control access to healthcare to be gathered in a select group of regulators. The Los Angeles County Medical Association (LACMA), founded 31 January 1871, had as one of its objectives "The separation of regular from irregular practitioners." And to the present, "there have been no deviations from" this basic principal (1). California's first medical practice act (MPA), enacted in 1876, stipulated

Any itinerant vender of any drug, nostrum, ointment, or appliance of any kind intended for the treatment of disease or injury, or who shall, by writing or printing, or any other method, publicly profess to cure or treat diseases, injury or deformity, by any drug, nostrum, *manipulation*, or other expedient, shall pay a license of one hundred dollars a month, to be collected in the usual way.[emphasis added](2)

Compare this steep licensure fee to that required of

the licentiates of the various incorporated State Medical Societies, which was a one time five dollar examination fee and a one-time one dollar application fee, and it becomes apparent who was in control. In 1878, the MPA was modified to specify the recognized medical societies as the Eclectic Medical Society, the California State Homeopathic Medical Society and the Medical Society of the State of California, forerunner of the California Medical Association (3). Modified again in 1901, the MPA of that year established one licensing board consisting of nine members: five from the Medical Society of the State of California; two from the California State Homeopathic Medical Society; and two from the Eclectic Medical Society of the State of California. Entitled the Board of Medical Examiners (BME), the board held almost complete power over the health profession(4). In 1901 the BME had its first setback. The California legislature enacted an Osteopathic Practice Act in which the Osteopathic Association of the State of California appointed a five member State Board of Osteopathic Examiners (BOE) charged with examining, regulating and licensing osteopaths(5). This challenge to the sole authority of the BME over all matters of health delivery in the state was met with dismay by the BME. In 1906, the Osteopathic Practice Act was found to be unconstitutional by the Los Angeles County Superior Court as it did not specify the qualifications an osteopathic college must possess in order to be recognized by their board (6). The osteopaths aggressively lobbied the legislature; and, as a result, these two boards were combined in 1907 to form the eleven member BME which added two osteopaths to the nine member BME of 1901(7). That the combining of the Boards had a financial incentive is hinted at by the BME report of April 1907 which complains of a reduction of 25 percent of the regular licentiates, 400 percent

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of the homeopathic licentiates and "a reduction of 1700 of the Eclectic licentiates" since the 1901 Osteopathic Act took effect. Further, the BOE had granted "about 800 licenses" between 1901 and 1907, all "granted without examination" with one exception (8). This is the Act that was in force when C.D. Greenall became involved. Let us take a closer look at it.

The MPA of 1907 charged the governor to appoint a board that would organize on or before the first Tuesday of May 1907. The members of the board had to be graduates in medicine and surgery or osteopathy and already be licensed to practice in the state under the previous acts. The act authorized the issuance of three certificates: first, a certificate authorizing the holder to practice medicine and surgery; second, one authorizing the holder to practice osteopathy; and third, a certificate authorizing the holder to practice any other system or mode of treating the sick or afflicted not elsewhere mentioned. This third type of certificate presumably would have included chiropractic doctors even though no BME member was one. The requirements for this third certificate included a diploma from a legally chartered college of the system or mode of treatment which the applicant claimed or intended to follow. In addition, the applicant was required to pass an examination, practical in character, that included ten questions in each of the following areas: anatomy; histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, general diagnosis, and hygiene. This was the first attempt in California to codify what later became known as basic science requirements. Section 13 of the MPA specified that any "person who shall practice or attempt to practice" without having a valid, unrevoked certificate shall be guilty of a misdemeanor, fined \$100 to \$500, incarcerated for 60 to 180 days, or both. Section 17 of this act stipulated "Nor shall this act be construed so as to discriminate against any particular school of medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, or to interfere in any way with the practice of religion ..." This section of the act appears to be self-serving as most graduates of other health disciplines, including chiropractic, were not educated to the extent necessary to pass the examinations, and were, therefore, effectively shut out of the licensing process. During these early years of chiropractic education, there was little emphasis on bacteriology, toxicology and general diagnosis as these were often seen as a medical approach to healthcare which was antithetical to the chiropractic approach (9).

Regarding illegal practice, the definition of the phrase "shall practice or attempt to practice" has special

meaning in this case. The 1907 MPA made no attempt to define what was meant by the word practice so we are left to refer to earlier acts. The 1901 MPA specified, in Section 16, that practicing medicine or surgery included

1. Those who profess to be, or hold themselves out as being, engaged as doctors, physicians or surgeons in the treatment of disease, injury or deformity of human beings.
2. Those who, for pecuniary or valuable consideration, shall prescribe medicine, magnetism or electricity in the treatment of disease, injury or deformity of human beings.
3. Those who, for pecuniary or valuable consideration, shall employ surgical or medical means or appliances for the treatment of disease, injury or deformity in human beings....
4. Those who, for pecuniary or valuable consideration, prescribe or use any drug or medicine, appliance, or medical or surgical treatment, or perform any operation for the relief or cure of any bodily injury or disease (10).

The secretary of the BME urged each county medical society to not hesitate "in inaugurating and maintaining a vigorous campaign against violators of the law" (11). The BME had "practically no money" to prosecute violators until Dr. F.C.E. Mattison of Pasadena (see figure 1) advanced the money and "enlisted the hearty support of the prosecuting officer of Los Angeles County."

When once enough convictions have been secured and enough fines paid in to create a fund, the work of ridding the state of the quacks and charlatans who live on the misfortunes of their victims will go on well and smoothly and without the necessity for calling upon outside help (12).

The LACMA enthusiastically supported the BME and adopted resolutions pledging "its support in the work of ridding the State from quackery and charlatanism" and appointed a committee "to collect funds and to take other necessary steps to properly represent the association in any enforcement of the medical laws of the State ..." (13).

Mention must be made here of the attempt of Carl Schultz, M.D., N.D., D.O., D.C., LL.B. to attain some



Figure 1
Dr. Fitch Mattison
photograph is from
the "Los Angeles
Herald-Examiner
Photographic
Collection - Los
Angeles Public
Library."

form of legal protection from prosecution by the BME in 1904. In May of that year Dr. Schultz approached the Los Angeles City Council and attempted to obtain recognition for his Association of Naturopathic Physicians of California. Unsuccessful, Dr. Schultz later attempted statewide recognition in 1907 which met the same fate (14).

EDUCATION

Just where Dr. Greenall received his education is a mystery. In California by 1907, there had been several opportunities to achieve a chiropractic education. The Sinclair College of Chiropractic in Santa Rosa, California, may have been opened as early as 1900 (15). D.D. Palmer was practicing in Pasadena, California, in 1902 (16) and had taught in Santa Barbara, California, in 1903 (17). The Pacific School of Chiropractic in Oakland, California, opened in 1904; and the Thomas Storey School of Cure may have been operating in Los Angeles by 1905 (18). In most instances, the education would have primarily consisted of a type of clinical internship with the head of the school and very few classroom hours per se. Lasting up to six months at some of the more reputable schools (19), much less at most, the education was shorter than the osteopathic and medical education of the day. The American School of Osteopathy, under the direction of Dr. A.T. Still, had a twenty-month minimum requirement as early as 1898 (20). The College of Physicians and Surgeons of Los Angeles, the second medical school in the area, chartered 11 December 1903, had a course of four years, nine months each, with no undergraduate requirement (21).

The Association of Naturopaths of California, for-

merly the Association of Naturopathic Physicians of California, incorporated in 1904, had as one of their purposes to teach naturopathy. This included "Chiropractic"(sic), and they sought to examine and issue a diploma awarding the degree of Doctor of Naturopathy (22). Whether or not Carl Schultz's Naturopathic Institute and Sanitarium, (started possibly as early as 1905 in Los Angeles) also taught students is unknown to this author.

Of course, one may have obtained a chiropractic education in any one of the other schools operating around the country by 1907. The existence of diploma mills and two-to-four weeks preceptorships which resulted in the awarding of a doctorate in chiropractic tarnished the young profession and served to justify the actions of the BME and LACMA.

C.D. GREENALL

Enter onto this stage, one C.D. Greenall, D.C., Practicing in Los Angeles County by 1907, it is unclear when he arrived in the area or where he lived just prior to Los Angeles. Born in England around 1858, he probably emigrated to the United States in the 1870s. There was a Charles D. Greenall born in the summer of 1858 in the Settle district in North Yorkshire, east of Lancaster; but it has not been proved that this is the subject of this article. He claims to have become a naturalized citizen in 1881. His wife was named Nettie B. Greenall and was sixteen years his senior. They had no children (23). This author has not been able to find any primary sources of information pertaining to C.D. Greenall prior to 1907. There is a Charles D. Greenall in the Los Angeles area in 1900 who is the right age and is also from England, who is a photographer. His wife was Anetta V. Greenall, close to Nettie B.; and they also had no children (24). There exist some discrepancies which make it difficult to definitively state that these two are, in fact, the same person.

C.D. Greenall, D.C.'s business card that he was using in 1907 was printed "Los Angeles" which he, it is assumed, crossed out and wrote over with "Long Beach,"(see figure 2) which indicates to this author that he probably practiced in the city of Los Angeles prior to locating his practice in Long Beach, by 1907 a town about thirty miles south of Los Angeles. In 1910, Long Beach had a population of 17,809, up from 2,252 in 1900. Coupled with this growth was the convenience of the "Red Line," a light rail system connecting Long Beach and Los Angeles which made commuting between the two cities faster than it is today (25). This rapid growth was naturally coupled with an increased demand for all services, including chiropractic care.

C.D. Greenall, as a health care provider, does not

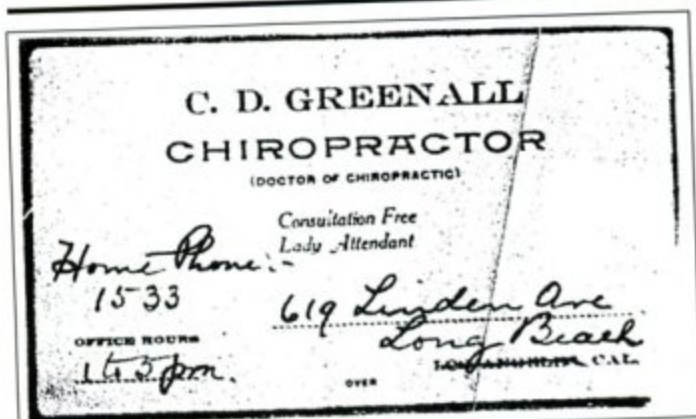


Figure 2 : Business Card of C.D. Greenall

appear in city directories of Los Angeles in 1905, 1907, 1908 or 1909, nor in the Long Beach directory before 1908. In 1908, he appears at 619 Linden Ave., Long Beach (26). In 1909, this address is listed as home and office for C.D. as a chiropractor (27). When using city directories, it is important to remember that the information printed in them was supplied to the publisher in the previous year. Given this, we may assume that C.D. lived in Long Beach from as early as 1907 through perhaps 1910, though he practiced there longer. In the Los Angeles directories of 1911 and 1912 can be found C.D. Greenall, physician, living at 1306 S. Grand St. ([28], [29]). He was not listed in the business section. The 1913-14 Long Beach directory has him listed working as a chiropractor at 536 First National Bank Building (see figure 3) and living in Los Angeles (30), while the 1913 Los Angeles directory has him living at 1629 ft South Flower St. (31).

Greenall does not appear in later city directories nor on the list of active licensed drugless practitioners in 1924 (32). He also does not appear to have ever been licensed by the California Board of Chiropractic Examiners, though their records of the early licentiates is quite incomplete. After 1914, this author can find no mention of our subject in California; perhaps he moved; perhaps he passed away.

CRIMINAL ACTS

On Friday, 21 June 1907, one Charles E. Berry swore out a complaint against C.D. Greenall alleging that on or about 17 June 1907 at Long Beach:

... a misdemeanor was Committed by C.D. Greenall who, at the time and place last aforesaid, did willfully and unlawfully treat the sick or afflicted according to the mode or system of Chiropractic without having at the time of so practic-

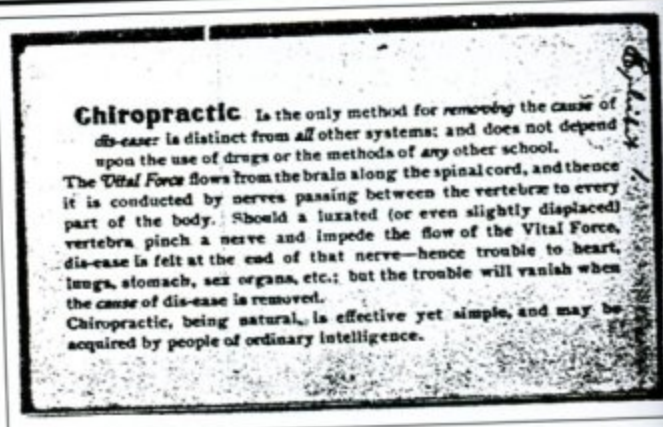


Figure 3

536 First National Bank Building, Long Beach; site of C.D. Greenall's practice in 1913-14. is "Long Beach Collection - Long Beach Public Library and Information Center."

ing a valid, unrevoked certificate from the Board of Medical Examiners in the State of California entitling him to do so ... (33)

Just who C.E. Berry was is unknown, but a search of possibilities in the 1910 Federal census gives one very likely candidate: Charles E. Berry, a city policeman living at 846 S. Figueroa St. in Los Angeles (34). Both Long



Figure 4
Gavin Craig, attorney for C.D. is "Los Angeles Herald- Examiner Photographic Collection - Los Angeles Public Library."

Beach newspapers mentioned the arrest with varying degrees of accuracy ([35], [36]). It is interesting that these same papers carry the headlining story that Dr. L.A. Perce of Long Beach was elected president of the National Eclectic Medical Society in Los Angeles (37). The *Los Angeles Examiner* states C.D. was arraigned 20 June, 1907 after "several persons living at Long Beach say he prescribed for them and treated them for diseases and that he had no license." (38). The *Los Angeles Herald* mentions that "chiropractic healing" is claimed to be within the MPA (39).

C.D. hired Philaletha Stella Michelson and Gavin W. Craig as his counsel (see figure 4). Mr. Craig was admitted to the California Bar on 9 April 1901 and remained active until 7 January 1948 (40). He was a secretary of the College of Law, University of Southern California in 1907 (41). Ms. Michelson had graduated from the USC School of Law in 1905 (42).

For the prosecution there was first, J.D. Fredericks, District Attorney (see figure 5). J.D. had recently reached an agreement with Dr. Mattison whereby he would prosecute cases which were brought to his attention through the work of the special committee appointed by the LACMA which was financed by Dr. Mattison and LACMA members. Second was Grant R. Bennett for the people; and third, representing the Board of Medical Examiners, was C.W. Pearson.



Figure 5
J.D. Fredericks, Los Angeles District Attorney is "Los Angeles Herald- Examiner Photographic Collection - Los Angeles Public Library."

C.D.'s attorneys immediately filed a motion to dismiss on several counts, most notably that the law which C.D. was charged with violating was, itself, unconstitutional. They filed a demurrer - in essence, a statement that the contentions of the opposing party are insufficient in law to warrant bringing action. The motion was denied, and the demurrer was overruled on 5 July 1907. C.D. was ordered to appear in court on 8 July 1907 to enter his plea, which he did. He entered a "Not Guilty" plea and waived his right to a jury trial. The trial was set for 17 July. The trial transcripts have not been saved; and thus, much about C.D. is lost to us. It is assumed that these would have contained information pertinent to his education and any licenses he may have held. We do have "Exhibit 1" which is a copy of C.D.'s business card. He was judged guilty and ordered to appear for sentencing two days later. His attorney's immediately filed a motion in arrest of judgment which was denied. On 19 July, C.D. was sentenced as follows:

Whereupon it is ordered and adjudged by the court this 19th, Day of July 1907 that for said offense, a misdemeanor, said C.D. Greenall to be fined in the some [sic] of One Hundred Dollars (\$100.00), and that in default of the pay-

ment of said fine on or before 5 o'clock P.M. on the 19th day of July 1907 said C.D. Greenall to be imprisoned in the County Jail of Los Angeles County in the proportion of One Dollars (\$1.00) imprisonment for each and every dollar of said fine until said fine be wholly satisfied not to exceed one hundred days ... (43)

C.D.'s attorneys filed an appeal in the Los Angeles County Superior Court, and the judge of that court issued an opinion affirming the lower court's ruling. In his opinion, the judge states that the defendant practices

Chiropractic, that his mode consists, in the main, in manipulating with his hands and fingers the vertebra of a person, and claiming that his system of practice refers all the ills that flesh is heir to, to some disturbances of the back-bone, and that therefore it is not necessary for him to understand histology, pathology, bacteriology, &c (44).

However, Judge Smith also determined that the Legislature has the right to regulate the healing professions and to determine what is necessary to practice any healing art in California; and they did just that with the MPA of 1907 (45).

Not content with the verdict, C.D.'s attorneys applied for a Writ of Habeas Corpus with the California Supreme Court on 16 December 1907 (46). In this proceeding, the BME used William C. Tait as their counsel. Judge J. Angellotti wrote the opinion for the court on 25 June 1908, stating that the complaint filed by C.E. Berry did not state facts that constituted a public offense. That allegation was that C.D. did willfully and unlawfully "treat the sick or afflicted" utilizing a system known as chiropractic. It was illegal to practice medicine and surgery, osteopathy, and any other mode of healing without a certificate from the BME; but it was not unlawful to treat a person using chiropractic. To the reader, it may seem as if the court were making a rather questionable distinction between practicing a healing art versus treating a person; but to C.D., it must have been a triumph he relished.

As we read the act, the allegations of the complaint in the justice's court in this case are entirely consistent with the

innocence of the defendant of any violation of its provisions (47).

The court decided not to rule on the contention of C.D. and his attorneys that the act of 1907 was unconstitutional. It was ordered that C.D. be discharged and his bail exonerated. Judges J. Henshaw, J. Lorigan and C.J. Beatty all concurred.

It was a mistake the BME was not about to let happen again. In future allegations, the language of the law was used; no one was to be charged with "treating the sick" but with practicing a method of healing to treat the sick.

As far as is known, this is the earliest case which involved both chiropractic and the California Supreme court, though it would not be the last one.

THE AFTERMATH

As mentioned earlier, C.D. apparently continued to practice, unmolested, in Long Beach until 1914 at least. It does not seem that C.D. ever applied for a drugless practitioner certificate when that classification became codified in 1914 nor does it appear he was ever licensed by the Board of Chiropractic Examiners in the 1920s. But his legacy has lived on.

In *The Rise of Chiropractic*, Turner states, "The lot of the (California) chiropractor had grown more difficult in 1913 when arrests for 'practicing medicine without license' began to take place..." (48). C.D.'s case, with others occurring around 1907, when taken in conjunction with the comments from the BME and the LACMA, indicate a directed effort to eliminate chiropractic from California much earlier. Not only did the BME try to eliminate chiropractic from California, it wanted the chiropractors to pay for it through fines. It was this arrogance that precipitated the Alameda County Chiropractic Association to adopt a constitution in 1917 that mandated serving jail time in lieu of paying fines thereby reducing the contributions to the coffers of their persecutors (49).

In 1922, A.D. Cochran attempted to use Ex Parte Greenall to overturn a conviction of practicing a system and mode of treating the sick and afflicted (50). The court held that the complaint was correct in its choice of words in this case, and A.D. lost his appeal.

In 1963, this case was again cited, without avail, in the infamous "CREES" decision (51). That act attempted to define, and possibly broaden, the chiropractic

tic scope of practice in California. In fact, the action resulted in severely limiting the scope of practice, the impact of which has changed the face of chiropractic in the Golden State ever since.

The actions taken by C.D. Greenall demonstrated true conviction to his chosen profession and helped to prepare for future battles to be waged for the preservation of chiropractic in California.

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43. People vs. C.D. Greenall, (CR5107), Motion in Arrest of Judgment, Justices Court of Los Angeles Township, County of Los Angeles, State of California (1907)

44. People vs. C.D. Greenall, (Cr5107), Opinion, Superior Court of the County of Los Angeles, State of California (1907).

45. People vs. C.D. Greenall, (Cr5107),

46. Ex Parte Greenall on habeas corpus, Number. Crim 1411, Supreme Court of the State of California, 16 December 1908.

47. Ex Parte Greenall 15 Cal. 767 (1908).

48. Turner, *Rise of Chiropractic*, 123.

49. Turner, *Rise of Chiropractic*, 126.

50. People vs. A.D. Cochran 56 Cal. App. 394 (1922).

51. CREES vs. California Board of Medical Examiners, 28 Cal. Rptr. 621 (1963).